

REMARKS

Applicant respectfully requests reconsideration of this application. Claims 2-4, 14-15, 19-21, 26-34, 36-38, 43-51, 71, 76, and 81 have been amended. Applicant respectfully submits that the amendments add no new matter and are supported in the detailed description of the specification on pages at least between pages 2 and 8. No claims have been canceled. No claims have been added.

Rejections Under 35 U.S.C. § 103(a)

Claims 2-16, 19-34, 36-51, and 71-81 stand rejected under 35 U.S.C. § 103(a) as being anticipated by an article by Marc Gunther titled “The Trouble with Advertising” (“Gunther”) in combination with the ordinary skill in the art. Applicant does not admit that Gunther is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Gunther in combination with the ordinary skill in the art at the time the invention was conceived does not render the Applicant’s claims as obvious under 35 USC §103(a).

First, the Examiner agrees with the Applicant that the cited prior art does not disclose that “at least two hyperlinks of the plurality of hyperlinks have different associated point values” as in the Applicant’s independent claims 71, 76, and 81. Applicant respectfully submits that the cited combination must teach or suggest all claim limitations. (See *In re Royka*, 490 F.2d 981 and MPEP 2143.03). Applicant requests that the Examiner clarify the position of obviousness based on that “it would have been obvious to one of ordinary skill in the art...to include associating different point values to the different advertisers links because such a modification allow different advertisers to offer a higher point value to users who click on the links to their websites and therefore

increase their traffic flow” (November 23, 2004 Office Action, page 3). Applicant requests that the Examiner cite a reference in support of his or her position per 37 CFR 1.104(d)(2). Furthermore, if the rejection is based on facts within the personal knowledge of the Examiner, the Applicant requests that the Examiner provide an affidavit stating specifically why the modification to include “at least two hyperlinks of the plurality of hyperlinks have different associated point values” is common knowledge in the art per 37 CFR 1.104(d)(2).

Second, even if the combination of Gunther with the ordinary skill in the art as defined by the Examiner is a proper combination, the combination would not teach or suggest all of the limitations of the Applicant’s claims. Gunther discloses a rewards program that gives users points, similar to airline frequent-flier miles, for viewing pages and buying things. Gunther further states that an avid sports fan (or anyone with nothing better to do) who visits frequently and clicks on enough pages can exchange points for T-shirts, movie passes, \$5 and \$10 restaurant certificates, hockey pucks, and baseballs, along with automatic entries in a \$1 million sweepstakes.

Therefore, even if the Gunther system were combined with the concepts referred to in the Office Action as ordinary skill in the art, the combination would not disclose at least: 1) “each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink,... the plurality of hyperlinks have different associated point values;...determining a point value associated with the one of the plurality of hyperlinks” (Claim 71); 2) “the plurality of hyperlinks has an associated point value indicating any number of points a user can get for clicking on the hyperlink;...wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values;... the host computer system determines a point value

associated with the one of the plurality of hyperlinks” (Claim 76); and 3)” and each of the plurality of hyperlinks having an associated point value indicative of any number of points the user can get for clicking on the hyperlink, wherein at least two hyperlinks of the plurality of hyperlinks have different associated point values;...determining a point value associated with the one of the plurality of hyperlinks” (Claim 81).

Third, it would be impermissible hindsight to modify Gunther based upon applicants’ own disclosure. Accordingly, Applicants respectfully submit that the combination of Gunther with the ordinary skill in the art is improper and does not disclose all of the limitations of the Applicant’s claims. Claims 2-16, 19-34, 36-51, 72-75, and 77-80 are dependent on at least one of the claims 71, 76, and 81; and hence are also patentable at least for the reasons stated above. Therefore, Applicants respectfully request the rejections to claims 2-16, 19-34, 36-51, and 71-81 under 35 USC §103(a) be withdrawn and this case be allowed.

CONCLUSION


Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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